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From: Paul Borngardner, Director for Hazardous Materials Policy
To: Nancy Machado, Senior Attorney
Subject: Addendum to Application for Preemption Determination of certain rules of the State of New Mexico

First, I want to thank you for taking the time to review the original application and discussing the issues of importance. I also want to apologize for any confusion that I may have caused through some oversight in the original application. Therefore, I request that this correspondence be added to the file for the, purpose of clarification of intent on the part of the American Trucking Associations (ATA).

Following is a listing of the specific sections of both the New Mexico LPG and CNG Act (N.M. Stat. Ann. §§ 70-5-1 through 70-5-23 (1998) and the corresponding regulations of the New Mexico Construction Industries Division, Liquefied Petroleum Gas Bureau (Title 19, Chapter 15, Part 4 [19NMAC 15.4]) that are in question:

1. N.M Stat. Ann. § 70-5-7 Requiring competent employees in transporting, dispensing, installation, service or repair; as it applies to drivers domiciled in states other than New Mexico.
2. N.M. Stat. Ann. § 70-5-9 Annual license fees; inspection fees; as it applies to interstate motor carriers.
3. N.M. Stat. Ann. § 70-5-10 Revenue; suspense fund; as it applies to the use of fees collected by the State.
4. 19 NMAC 15.4.9 Examinations, .1 through .5; as they apply to drivers domiciled in states other than New Mexico.
5. 19 NMAC 15.4.10 Annual Inspections, .1; as it applies to the inspection of equipment (eg. Cargo tanks) operated by interstate motor carriers.
6. 19 NMAC 15.4.14 Printed Forms, Permits and Fees, .3.C LP Gas Visual Cargo Tank and Equipment and Inspection Form \$37.50 and Re-inspection of Cargo Tank and Equipment and additional charge for re-inspection \$37.50; as they apply to inspection and/or re-inspection of equipment operated by interstate motor carriers.
7. 19 NMAC 15.4.15 License Classifications, Scopes and Fees, .1 LP-1 Wholesale sale or delivery of LP Gas \$125.00 and .12 Annual renewal fee per qualifying party identification card \$10.00; as they apply to interstate motor carriers.
8. 19 NMAC 15.4.15 License Classifications, Scopes and Fees, .13 Licensing examination fee \$25.00 and .14 Licensing re-examination fee \$25.00; as they apply to drivers domiciled in states other than New Mexico.

Thank you for this opportunity to clarify ATA's intent. If you need to contact me, please do so at: 703-838-1849 (phone) or pbomgard@trucking.org (e-mail)